

TWENTY-NINTH DAY

WEDNESDAY, MARCH 5, 1997

PROCEEDINGS

The Senate met at 11:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Steve Stroope, Pastor, Lake Pointe Baptist Church, Rockwall, offered the invocation as follows:

Dear heavenly Father, thank You for this new day and the many opportunities it gives us all to serve You.

I pray that You will help the men and women who have gathered here today as they seek to provide leadership to the State of Texas and her citizens.

In Your word You have commanded us to "admonish the unruly, encourage the fainthearted, and help the weak." Please give this body the courage to confront those Your word declares to be unruly even when it is not politically correct, the wisdom to encourage the fainthearted without enabling them to become dependent, and the compassion to help many who are truly weak.

We ask that You help all of us to live with that same sensitive balance in all our own personal relationships as well.

In Your blessed name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 54

On motion of Senator Shapiro and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 54**.

CO-AUTHORS OF SENATE BILL 180

On motion of Senator Ellis and by unanimous consent, Senators Lucio and West will be shown as Co-authors of **SB 180**.

CO-AUTHOR OF SENATE BILL 273

On motion of Senator Zaffirini and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 273**.

CO-AUTHORS OF SENATE BILL 412

On motion of Senator Zaffirini and by unanimous consent, Senators Moncrief and West will be shown as Co-authors of **SB 412**.

CO-AUTHOR OF SENATE BILL 461

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of **SB 461**.

CO-AUTHOR OF SENATE BILL 828

On motion of Senator Ellis and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 828**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 361 by Madla

Relating to the continuation and functions of the Texas State Board of Acupuncture Examiners.

To Committee on Health and Human Services.

SB 841 by Cain, Harris, Nelson, Sibley, Wentworth

Relating to ad valorem taxation.

To Committee on State Affairs.

SB 845 by Truan

Relating to the powers, duties, and composition of the Texas Housing Corporation; granting the authority to issue revenue bonds.

To Committee on Intergovernmental Relations.

SB 846 by Armbrister

Relating to the waiver of sovereign immunity in certain contract actions.

To Committee on Jurisprudence.

SB 848 by Armbrister

Relating to certain court costs a person convicted of certain offenses is required to pay.

To Committee on Finance.

SB 849 by Ellis, Barrientos

Relating to prepaid higher education tuition scholarships for needy students.

To Committee on Finance.

SB 850 by Luna, Madla, Wentworth

Relating to the student union building fees at The University of Texas at San Antonio.

To Committee on Finance.

SB 851 by Ellis

Relating to including a multiracial classification on all forms requesting information on racial identification and providing for reporting racial information to federal agencies.

To Committee on State Affairs.

SB 852 by Ellis

Relating to the disposition of a juvenile who damages property, including the environment, with graffiti, to law enforcement records relating to a child who uses a graffiti tag, and to the criminal responsibility of a parent for a child's criminal mischief involving graffiti; providing a penalty.

To Committee on Criminal Justice.

SB 854 by Patterson

Relating to a loan the proceeds of which are used to purchase an interest in a certain trust or entity that owns real property located outside the United States.

To Committee on Economic Development.

SB 855 by Patterson

Relating to the disposal of certain abandoned vehicles by a vehicle storage facility.

To Committee on State Affairs.

SB 856 by Shapleigh

Relating to the authority of certain municipalities to impose a local tax on the gross rental receipts from the rental of a motor vehicle.

To Committee on State Affairs.

SB 857 by Shapleigh

Relating to an application for issuance of a subpoena.

To Committee on Jurisprudence.

SB 859 by Lucio

Relating to a water supply corporation and municipal contract for fire hydrant service.

To Committee on Intergovernmental Relations.

SB 860 by Moncrief

Relating to eligibility for appointment to a subregional board of a transportation authority.

To Committee on Intergovernmental Relations.

SB 861 by Armbrister

Relating to the administration of franchise taxes; imposing penalties.

To Committee on Finance.

SB 862 by Armbrister

Relating to the administration, collection, and enforcement by the comptroller of various taxes and fees.

To Committee on Finance.

SB 863 by Patterson

Relating to precommitment approval for certain purchases of a port authority.

To Committee on Intergovernmental Relations.

SB 864 by Patterson

Relating to the control of and disabling of gambling devices, equipment, or paraphernalia while an ocean-going vessel is in the territorial waters of this state.

To Committee on State Affairs.

SB 865 by Patterson

Relating to coverage under the Texas Catastrophe Property Insurance Association for certain demolition and debris removal expenses.

To Committee on Economic Development.

SB 866 by Lucio

Relating to the transfer of permits, registrations, or other authorizations issued by the Texas Natural Resource Conservation Commission.

To Committee on Natural Resources.

SB 867 by Cain

Relating to residential construction liability.

To Committee on Jurisprudence.

SB 868 by Cain

Relating to energy savings projects for local governments.

To Committee on Intergovernmental Relations.

SB 869 by West

Relating to the granting of pawnshop licenses and to public notification of an application for a pawnshop license in certain counties.

To Committee on State Affairs.

SB 870 by West

Relating to visual recording of persons arrested for certain offenses.

To Committee on Criminal Justice.

SB 871 by West

Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

To Committee on Health and Human Services.

SB 872 by Madla, Luna, Wentworth, Zaffirini

Relating to the retirement system for fire fighters and police officers in certain municipalities.

To Committee on Intergovernmental Relations.

SB 873 by Shapiro

Relating to the manner in which the testimony of a child who is the victim of or witness to an alleged offense may be taken in certain criminal proceedings.

To Committee on Criminal Justice.

SB 874 by Wentworth

Relating to certain reimbursements of expenses for members of the Texas State Board of Examiners of Marriage and Family Therapists.

To Committee on Finance.

SB 875 by Shapiro, West

Relating to the applicability of the sex offender registration program to certain defendants, to the procedures used to register and monitor sex

offenders, and to the imposition of criminal penalties.
To Committee on Criminal Justice.

SB 876 by Shapiro
Relating to the persons eligible for release on bail pending appeal from a felony conviction.
To Committee on Criminal Justice.

SB 877 by Sibley
Relating to the regulation of the practice of dentistry.
To Committee on Health and Human Services.

SB 878 by Sibley
Relating to the assignment of cases in district court in certain counties.
To Committee on Jurisprudence.

SB 879 by Sibley
Relating to apportionment of the state into state senate districts.
To Committee of the Whole Senate on Legislative and Congressional Redistricting.

SB 880 by Brown
Relating to the period of validity of and fees for a driver's license or personal identification certificate.
To Committee on State Affairs.

SB 881 by Brown
Relating to the denial of the renewal of the driver's license of persons who violate their promise to appear on certain offenses or who fail to pay the fine for certain offenses.
To Committee on Criminal Justice.

SB 882 by Brown, Ellis
Relating to negotiated rulemaking by state agencies.
To Committee on State Affairs.

SB 883 by Harris
Relating to structured settlement offers in certain personal injury suits.
To Committee on Jurisprudence.

SB 884 by Harris
Relating to rules of statutory construction.
To Committee on Jurisprudence.

SB 885 by Carona
Relating to limitations on certain covenants.
To Committee on Jurisprudence.

SB 887 by Harris
Relating to the transfer of certain property to a custodian under the Uniform Transfers to Minors Act.
To Committee on Jurisprudence.

SB 888 by Harris
Relating to a local option election for the sale of alcoholic beverages in a city or town located in more than one county.
To Committee on State Affairs.

(Senator Lucio in Chair)

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

**TO THE MEMBERS OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE 75TH LEGISLATURE, REGULAR
SESSION:**

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the 75th Legislature, now convened:

Relating to an appropriation of funds from the Temporary Assistance for Needy Families federal block grant to the Texas Workforce Commission for the purpose of providing services in the Job Opportunity and Basic Skills (JOBS) program and related transportation expenses of program participants;

Relating to an appropriation of funds from the Temporary Assistance for Needy Families federal block grant to the Employees Retirement System and the Texas Comptroller of Public Accounts for the payment of employee benefit costs associated with the implementation of the proposed appropriation referenced in the preceding paragraph;

Relating to an appropriation of funds from the general revenue fund to the Texas Attorney General for the purpose of payment of worker's compensation benefits, resolving a cash-flow shortfall, and providing for reimbursement to the general revenue fund; and

Relating to authorizing the Telecommunications Infrastructure Fund Board to pay salaries of employees during the current fiscal biennium.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 4th day of March, 1997.

/s/George W. Bush
Governor of Texas

Attest:

/s/Antonio O. Garza, Jr.
Secretary of State

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 4, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE BOARD OF PROTECTIVE AND REGULATORY
SERVICES for terms to expire February 1, 2003:

RICHARD S. HOFFMAN
2 McFadden Hut
Brownsville, Texas 78520

Mr. Hoffman will be replacing Susan Stahl of Dallas whose term expired.

CATHERINE CLARK MOSBACHER
3435 Westheimer, Apartment 701
Houston, Texas 77027

Ms. Mosbacher is being reappointed.

Respectfully submitted,
/s/George W. Bush
Governor of Texas

(Senator Brown in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Wednesday, March 5, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 15, In memory of William Miller "Bill" Holm.

HCR 105, Designating March 5, 1997, as Comanche County Day at the Capitol.

HCR 107, Declaring March 5, 1997, as Mount Vernon/Franklin County Day at the State Capitol.

HCR 114, Designating March 5, 1997, as Diabetes Day in Texas.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE RESOLUTION 267

Senator West offered the following resolution:

WHEREAS, On March 4 and 5, 1997, the Texas Senate will join with the members of the Delta Sigma Theta Sorority, Incorporated, in honoring one of the Lone Star State's most renowned community service organizations; and

WHEREAS, The sorority was founded in 1913 by 22 women at Howard University for the dual purpose of promoting scholastic achievement and aiding members of the local community; and

WHEREAS, Today the organization has more than 700 chapters and 175,000 members internationally, and it has become one of the world's leading sororities for African-American women; its hardworking members have dedicated themselves to enhancing the lives of others through their involvement in a number of health and human services concerns; and

WHEREAS, The sisters of Delta Sigma Theta have been involved in many diverse endeavors that promote educational development, economic development, physical and mental health, political awareness and involvement, and international awareness and involvement, both in their local communities and on a global scale; and

WHEREAS, To accomplish its lofty goals, the sorority has initiated a number of innovative and highly successful programs addressing illiteracy, drug abuse, unemployment, gang violence, teen pregnancy, infant mortality, kidney disease, and AIDS; sorority members, including mayors, legislators, university presidents, and United States presidential appointees, currently take an active role in shaping education and health policy in our state and nation; and

WHEREAS, Delta Sigma Theta Sorority stands at the forefront of Texas' community service organizations, and it gives the Senate great pleasure to recognize this group for its exceptional work in behalf of others; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby designate March 4 and 5, 1997, as Delta Days at the State Capitol in honor of the members and officers of Delta Sigma Theta Sorority, Incorporated; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the members and officers of this distinguished organization as an expression of high esteem by the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Myrtle Bell, President of the Austin Alumni Chapter, and a delegation of members of Delta Sigma Theta Sorority, Incorporated, from across Texas.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of minority and women entrepreneurs.

The Senate welcomed its guests.

GUEST PRESENTED

The President introduced to the Senate Railroad Commissioner Barry Williamson.

The Senate welcomed Commissioner Williamson.

SENATE RESOLUTION 289

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the City of Hidalgo and the Hidalgo Chamber of Commerce for annually sponsoring the Rio Grande Valley's annual BorderFest since 1977; and

WHEREAS, Originally entitled International Fiesta Fronteriza, the event is a celebration of the unique culture and heritage of the Rio Grande Valley; and

WHEREAS, BorderFest is held on the Hidalgo City Pavilion grounds and is a major festival that includes outdoor stages, traveling exhibits, and arts and crafts booths; and

WHEREAS, During the festival, the Border Texan of the Year Award is bestowed upon an individual who has contributed to the betterment of the Rio Grande Valley and whose motivation is community spirit, rather than financial gain; this year, Lieutenant Governor Bob Bullock has been selected for the award in tribute to his many contributions to the Rio Grande Valley and to communities throughout South Texas; and

WHEREAS, More than 30,000 people are drawn to the BorderFest and participate in this celebration of the rich heritage, customs, and cultures that have played a major role in the development of the Rio Grande Valley and South Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the City of Hidalgo and the Hidalgo Chamber of Commerce for sponsoring this popular festival and extend best wishes for an enjoyable 1997 BorderFest; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Hidalgo and the Hidalgo Chamber of Commerce as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate John David Franz, Mayor; Thomas Perez, Mayor Pro Tempore; Pedro Fonseca, City Commissioner; Dr. Alejo Salinas, Superintendent of the Hidalgo Independent School District; Martin Vasquez, Chair, Chamber of Commerce; Gumecindo Solis, Economic Development Corporation; Enrique Torres, Texas State Bank, Hidalgo Branch; and Joe Vera, Executive Director, Chamber of Commerce, all of Hidalgo.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE CONCURRENT RESOLUTION 33

Senator Zaffirini offered the following resolution:

WHEREAS, Diabetes is a devastating disease that poses a serious public health risk for Texans; more than 860,000 individuals have been diagnosed with diabetes, and 860,000 more are suffering from the disease but have not yet been diagnosed; and

WHEREAS, The costs of treating complications that arise from diabetes are high in terms of human suffering, lost income, medical expenses, and costs to state-supported medical care programs; a host of debilitating complications can arise if the disease goes untreated, resulting in amputations, blindness, kidney failure, heart disease, birth defects, and strokes, but thankfully, patients can be taught to prevent these complications by adhering to guidelines on diet, weight, exercise, and medical care; and

WHEREAS, Public health programs in our state are crucial to the dissemination of information about diabetes and the development of diabetes services for all Texans; to this end, the Texas Diabetes Council has developed A Plan to Control Diabetes in Texas for the express purposes of reducing illness from the disease, educating the public, and fostering widespread support for essential health care services; and

WHEREAS, In addition, the American Diabetes Association encourages the development of a sound public policy that emphasizes proper education, treatment, and self-management, thus ensuring patients the same high quality of life enjoyed by other Texans; and

WHEREAS, It is the express desire of the Texas Legislature to raise public awareness of this growing health care problem in our state and to voice care and concern for diabetes patients; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby designate March 5, 1997, as Diabetes Day in Texas and encourage all Texans to educate themselves about the symptoms, risks, and treatments of this disease.

The resolution was read.

On motion of Senator Luna and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Zaffirini and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation from the American Diabetes Association.

The Senate welcomed its guests.

CAPITOL PHYSICIAN

Senator Ogden was recognized and presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

The Senate welcomed Dr. Voss, accompanied by his sons Kyle and Matthew, and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

HOUSE CONCURRENT RESOLUTION 105

The Presiding Officer laid before the Senate the following resolution:

HCR 105, Designating March 5, 1997, as Comanche County Day at the Capitol.

SIBLEY

The resolution was read.

On motion of Senator Sibley and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a delegation of citizens from Comanche County.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 107

The Presiding Officer laid before the Senate the following resolution:

HCR 107, Declaring March 5, 1997, as Mount Vernon/Franklin County Day at the State Capitol.

RATLIFF

The resolution was read.

On motion of Senator Ratliff and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Judge Wayne Foster, County Judge; Mike Edwards, Mayor, Mount Vernon; Charles Lowry, President, Industrial Corporation; Mike Harper,

Mount Vernon Superintendent of Schools; Karen Barker, President, Student Chamber; and a delegation of citizens from Mount Vernon and Franklin County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate a delegation from the Texas Midwest Community Network.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a group of students from Lake Air Middle School of Waco.

The Senate welcomed its guests.

SENATE RESOLUTION 290

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Lieutenant Governor Bob Bullock, President of the Senate, who was recently selected as the 1997 Border Texan of the Year; and

WHEREAS, Initiated by the Hidalgo Chamber of Commerce in 1989, the Border Texan of the Year award pays tribute to an individual who has made outstanding contributions to the betterment of the Rio Grande Valley and South Texas; and

WHEREAS, A legendary figure in the State of Texas, Bob Bullock has devoted his life to the benefit of our state and has given generously of his time and energy on behalf of the Rio Grande Valley area and South Texas communities; and

WHEREAS, A man of extraordinary leadership, vision, and determination, Bob Bullock is one of our state's most remarkable citizens; and

WHEREAS, A renowned statesman and veteran politician, Bob Bullock was sworn in as the 38th Lieutenant Governor and President of the Texas Senate on January 15, 1991; he began his second four-year term as Lieutenant Governor on January 17, 1995; and

WHEREAS, A graduate of Baylor Law School, Governor Bullock began his exceptional career as a member of the Texas House of Representatives in 1957; he served as Assistant Attorney General in 1967 and 1968 and as Secretary of State in 1971 and 1972; he was the Texas Comptroller of Public Accounts from 1975 to 1990; and

WHEREAS, In tribute to his hard work and his countless achievements, Governor Bullock has received numerous awards and honors; in 1996, he was awarded the Santa Rita Award by The University of Texas System Board of Regents and the Distinguished Public Servant Award by Texas Tech University Center for Public Service; and

WHEREAS, The Lieutenant Governor was awarded the Price Daniel Distinguished Public Service Award for 1995 by Baylor University and was

honored by Texas A&M International University at Laredo with the naming of the Bob Bullock Hall; also named in his honor was the Bob Bullock Center for Business and Computer Science and the Bob Bullock Endowed Scholarship at Blinn College; he was granted an Honorary Doctor of Humanities in Medicine by Baylor College of Medicine in 1992; and

WHEREAS, Governor Bullock has earned the praise and gratitude of the Texas Democratic Women, who named him Humanitarian of the Year in 1995; he was the recipient of the Texas Maverick Award in 1995 from the Board of Directors of the Corporate Fund for Children, was selected as Texan of the Year in 1995 by the Texas Legislative Conference, and received the Outstanding Services to Libraries Award in 1994 from the Texas Library Association; he was named Legislator of the Year by the Houston Police Patrolman's Union; and

WHEREAS, A uniquely talented individual who works tirelessly on behalf of his state, Lieutenant Governor Bob Bullock has served on a multitude of public service boards and commissions: he has served as Chair of the Legislative Budget Board and the Legislative Reference Library Board; he has also served as a member of the Criminal Justice Policy Council, the Child Care Development Board, the Foundation School Fund Budget Committee, the Legislative Redistricting Board, and the State Preservation Board; he is on the Advisory Board of Save Texas Cemeteries and Southwest Texas University's Public Service Academy; and

WHEREAS, A distinguished gentleman and an extraordinarily accomplished statesman, Bob Bullock is a highly respected leader in our state and is unquestionably an exemplary figure for generations of future Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend Lieutenant Governor Bob Bullock for his invaluable contributions to our state and extend congratulations to him on earning the 1997 Border Texan of the Year award; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Lieutenant Governor Bob Bullock as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

(President in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Madla.

Senator Madla moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Members, General Services Commission: BARBARA N. RUSLING, McLennan County; ALFRED EUGENE SHULL, Smith County.

Members, Commission on Jail Standards: SHERIFF TERRY G. BOX, Collin County; MARC ANTHONY CISNEROS, Jim Wells County; SHERIFF CARMELLA THEA BONNER JONES, Armstrong County.

Members, Commission on Law Enforcement Officer Standards and Education: CLAUDIA ANN BRETZ, Ector County; SHERIFF FRANCES A. KAISER, Kerr County; CORPORAL ONZELO MARKUM III, Galveston County.

Members, Board of Pardons and Paroles: LYNN F. BROWN, Dallas County; JUANITA MARIA GONZALEZ, Williamson County; ALVIN A. SHAW, Travis County; CHARLES A. SHIPMAN, Wichita County; RISSIE LOUISE OWENS, Walker County; SANDIE WALKER, Brazos County.

Member, Public Safety Commission: ROBERT BRAXTON HOLT, Midland County.

Members, Texas Agricultural Finance Authority Board of Directors: GINA LEIGH BULLS DAVIS, Hansford County; DICKIE G. GERIES, Uvalde County; JUDGE DEBORAH HERBER, Atascosa County; MARK W. JONES, Menard County; CHARLES EUGENE "GENE" LEGG, Moore County; DANNY EUGENE PEGGRAM, Smith County; JANE ANNE STINNETT, Lubbock County.

Members, Air Conditioning and Refrigeration Contractors Advisory Board: KELDON "CORKY" BOSWORTH, Midland County; GUY F. ELLYSON, Harris County; KATHERINE A. EVERETT, Denton County; CASSIE L. HUGHES, Callahan County; DAVID D. MUNOZ, Comal County; LEE JAYE ROSENBERG, Bexar County.

Members, Advisory Board of Athletic Trainers: JOHN WESLEY HARVEY, Harris County; MICHAEL D. SALY, Montgomery County; NATALIE DENISE STEADMAN, Lubbock County; MICHAEL K. "SPANKY" STEPHENS, Travis County.

Members, Crime Stoppers Advisory Council: LIEUTENANT DARRELL W. BUSH, Jefferson County; THOMAS E. DUNN, Angelina County; SUSAN R. JOHNSON, Ector County; CAROLYN SUE HEAD LEYENDECKER, Webb County; JANE H. ROMINE, Tarrant County.

Members, Texas Funeral Service Commission: EVELYN S. COLLINS, Bowie County; KENNETH JERRY HUGHES, Nacogdoches County; PATRICIA GAIL KEEGAN, Rockwall County; CHARLES RICHARD "DICK" McNEIL, Tarrant County; LEO T. METCALF III, Montgomery County.

Members, Texas State Board of Plumbing Examiners: JOSE L. CARDENAS, Tarrant County; GREG DAVID CONTRERAS, Dallas County; NELDA MARTINEZ, Nueces County; JOHN DeWITT MORROW, Jr., Fort Bend County; FERNANDO RICO, Jr., P.E., El Paso County; JOE ROCHA, Jr., Blanco County.

Members, Polygraph Examiners Board: JANET L. "JAN" BLACKLOCK, Lubbock County; HORACIO "HORACE" ORTIZ, Nueces County; BRAD ALAN ROGERS, Bell County.

Members, Texas Structural Pest Control Board: JO-CHRISTY TEXAS BROWN, Travis County; GARY L. GILLEN, Fort Bend County; LES HOYT, Randall County.

SENATE BILL 385 RECOMMITTED

On motion of Senator Sibley and by unanimous consent, **SB 385** was recommitted to the Committee on Economic Development.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **SB 385** tomorrow.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Senator Klaus Franke of Berlin; Alfons Schoops, Executive Director, Partnerships of Parliament; and Dr. Bill McKinney, Executive Director, Region IV Education Service Center.

The Senate welcomed its distinguished guests.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate a delegation from Leadership Rockwall and their Co-chairs Dennis Bailey and Cheryl Austin.

The Senate welcomed its guests.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 54 ON SECOND READING

Senator Shapiro moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 54** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended for **CSSB 54**:

CSSB 54, Relating to access to certain obstetrical or gynecological health care under a health benefit plan; providing administrative penalties.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 54** on page 2 of the committee report as follows:

On page 2, line 19, insert the following subsection:

"(8) Any health benefit plan that does not provide well-woman care benefits."

The amendment was read and was adopted by a viva voce vote.

CSSB 54 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 54 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 54 was read third time and was passed by a viva voce vote.

SENATE BILL 67 ON SECOND READING

Senator Moncrief moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 67** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended for **SB 67**:

SB 67, Relating to purchasing procedures used by the institutional division of the Texas Department of Criminal Justice.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 67 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 67** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 67 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Harris in Chair)

SENATE BILL 241 ON SECOND READING

Senator West moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 241** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator West and by unanimous consent, the regular order of business was suspended for **SB 241**:

SB 241, Relating to construction contract provisions, construction trust funds, and the creation of and management policies applicable to a construction account created to hold funds associated with a construction contract; providing criminal penalties.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 241** by deleting Sec. 162.005(5), page 1, lines 60 through 64, and substitute the following in lieu thereof:

(5) "Financial institution" means a bank, savings association, savings bank, credit union, savings and loan association authorized to do business in the state.

The amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 241**, Sec. 162.006(a), page 2, line 9, by deleting the word "agrees" and substitute in lieu thereof the words "enters into a written contract".

The amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 241**, Sec. 162.006(a), page 2, lines 11 and 12, by deleting the words "received from the owner".

The amendment was read and was adopted by a viva voce vote.

SB 241 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 241 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 241** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 241 was read third time and was passed by a viva voce vote.

(Senator Armbrister in Chair)

SENATE BILL 590 ON SECOND READING

Senator Duncan moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 590** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended for **SB 590**:

SB 590, Relating to the adoption or increase of local sales and use taxes by a municipality or county in which previous elections adopting the taxes are invalid.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 590 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 590** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 590 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 505 ON SECOND READING

Senator Harris moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 505** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(President in Chair)

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended for **SB 505**:

SB 505, Relating to the characterization of a transaction as a sale of accounts or chattel paper.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 505** as follows:

(1) Strike the section heading of SECTION 1 (page 1, lines 4-5) and substitute the following:

"SECTION 1. Section 9.102, Business & Commerce Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:"

(2) In SECTION 1, Section 9.102 (page 1, line 6), add Subsection (a) to read as follows:

"(a) Except as otherwise provided in Section 9.104 on excluded transactions, this chapter applies

(1) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper or accounts; and also

(2) to any sale of accounts or chattel paper, provided that the application of this chapter to the sale of accounts or chattel paper is not to recharacterize the sale of accounts or chattel paper as a secured transaction but to protect purchasers of accounts or chattel paper by providing a notice filing system."

(3) In SECTION 1, Subsection (d), Section 9.102 (page 1, line 9), strike "the title" and substitute "title, legal and equitable."

The committee amendment was read.

Senator Duncan offered the following amendment to Committee , Amendment No. 1:

Floor Amendment No. 1

Amend Committee Amendment No. 1 to **SB 505** as follows:

Amend SECTION 1, Section 9.102, Subsection (a)(2) by striking the word "secured" and inserting "to secure indebtedness" after the word "transaction."

The amendment to Committee Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Committee Amendment No. 1 as amended, the committee amendment as amended was adopted by a viva voce vote.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 505** as follows:

Amend SECTION 1, Section 9.012, Subsection (d), Business & Commerce Code, by inserting "in the absence of a finding of fraud or intentional misrepresentation," after the words "For all purposes,".

The amendment was read and was adopted by a viva voce vote.

SB 505 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 505 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 505** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 505 was read third time and was passed by a viva voce vote.

SENATE BILL 534 ON SECOND READING

Senator Harris moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 534** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended for **SB 534**:

SB 534, Relating to the collection of claims for recovery of money under subrogation and third-party reimbursement rights arising from medical payments by health and human services agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 534 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 534** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 534 was read third time and was passed by the following vote: Yeas 31, Nays 0.

WELCOME AND CONGRATULATORY RESOLUTIONS

SCR 30 - by Nelson: Congratulating the members of the Texas Federation of Republican Women.

SR 283 - by Lindsay: Congratulating John Moore of Houston.

SR 284 - by Nelson: Welcoming Italian dignitaries from the City of Monasterolo Di Savigliano.

SR 285 - by Shapleigh: Congratulating Leticia Paez of El Paso.

SR 286 - by Gallegos: Congratulating the National Association of Purchasing Management-Houston, Incorporated.

SR 287 - by West: Congratulating the African American Program of the American Diabetes Association.

SR 288 - by Lucio: Congratulating David Bernsen of Beaumont.

MISCELLANEOUS RESOLUTIONS

SCR 18 - by Lucio: Recognizing the 60th anniversary of the City of Brownsville's celebration of Charro Days.

HCR 114 - (Zaffirini): Designating March 5, 1997, as Diabetes Day in Texas.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:49 p.m. adjourned, in memory of Faustino D. Rivera, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 5, 1997

FINANCE — **SB 886**

CRIMINAL JUSTICE — **SB 51, SB 467, SB 674**

HEALTH AND HUMAN SERVICES — **SCR 28, SB 262, SB 61**

CRIMINAL JUSTICE — **SB 46** (Amended)

In Memory**of****Faustino D. Rivera**

Senator Truan offered the following resolution:

(Senate Resolution 281)

WHEREAS, The Senate of the State of Texas joins the citizens of Corpus Christi in mourning the loss of Faustino D. Rivera, who died January 17, 1997, at the age of 84; and

WHEREAS, Born on August 31, 1912, in Bloomington, he was a native Texan; and

WHEREAS, Mr. Rivera worked at the Sinclair Refinery and later owned and operated Rivera's Conoco and Shell service stations; he retired in 1975; and

WHEREAS, A man of integrity and generosity, he gave unselfishly of his time to others, and his wisdom, warm sense of humor, and valued counsel will be remembered with gratitude by all whose lives he touched; and

WHEREAS, A devoted husband, grandfather, and great-grandfather, Faustino Rivera leaves memories which will be forever treasured by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere condolences to the bereaved family of Faustino D. Rivera: his wife, Benita Gonzalez Rivera; his daughters, Delia Rivera and Estella Taylor; his sons, Gilbert Rivera and Joe G. Rivera; his sister, Sara Cavazos; his brothers, Felix D. Rivera, Crisofo D. Rivera, and Robert D. Cavazos; and his 20 grandchildren and 12 great-grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Faustino D. Rivera.

TRUAN
LUCIO

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

Senator Lucio, joined by Senator Truan, was recognized and introduced to the Senate family members of Faustino D. Rivera:

Benita Gonzalez Rivera, widow; Joe G. and Ofelia Rivera, son and daughter-in-law; Delia Rivera, daughter; Robert Rivera and Ernie Rivera, grandsons; and Dwayne and Maria Luisa Rivera, grandson and wife.

The Senate welcomed the Rivera family and extended its sympathy.

